

1 DAYLE ELIESON
2 United States Attorney
3 ELHAM ROOHANI
4 Assistant United States Attorney
5 Nevada Bar Number 12080
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
elham.roohani@usdoj.gov

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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

2:17-mj-872-VCF

10 Plaintiff,

Stipulation to Continue the
Preliminary Hearing (*Third
Request*)

11 vs.

12 DARION ROBINSON,

13 Defendant.

14 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE
15 ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States
16 Attorney, counsel for the United States of America, and REBECCA LEVY, counsel for
17 Defendant DARION ROBINSON, that the preliminary hearing date in the above-
18 captioned matter, currently scheduled for February 12, 2018, at 4:00 pm, be vacated
19 and continued for sixty (60) days, to a date and time to be set by this Honorable Court.

20 This stipulation is entered into for the following reasons:

21 1. Defense counsel needs additional time to review the discovery, investigate
22 possible defenses to the allegations, and discuss the case with the defendant to
23 determine how he wishes to proceed with the case. The parties agree to the

1 continuance.

2 2. Defendant ROBINSON is incarcerated but does not object to the continuance.

3 3. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice.

5 4. The additional time requested herein is not sought for purposes of delay, but to
6 allow for a potential pre-indictment resolution of the case.

7 5. The additional time requested by this stipulation, is allowed, with the
8 defendant's consent under the Federal Rules of Procedure 5.1(d).

9 6. This is the third request for a continuation of the preliminary hearing.

10 DATED this 9th day of February, 2018.

11 Respectfully submitted,
12 STEVEN W. MYHRE
13 Acting United States Attorney

14 //s//
15 REBECCA LEVY, ESQ.
16 Counsel for Defendant

17 //s//
18 ELHAM ROOHANI
19 Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:17-mj-872-VCF

Plaintiff,

ORDER

vs.

DARION ROBINSON,

Defendant.

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have initiated discussions regarding resolving the case pre-indictment. Additional time is needed to discuss any potential resolution.
2. The parties agree to the continuance.
3. Defendant ROBINSON is incarcerated but does not object to the continuance.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.
6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the third request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for February 12, 2018, at the hour of 4:00 pm, be vacated and continued to April 16, 2018 at the hour of 4:00 am/pm.

DATED 12th day of February, 2018.

Carl Gaddis

THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE